

**REMARKS**

Claims 1-20 are pending in the present application. Claims 1, 5, 8, 9, 10, 11, 13, 19 and 20 have been amended by this amendment. Applicants have amended these claims to correct minor typographical errors only and not as a result of the Examiner's cited art.

**102 Rejections**

In the Office Action mailed December 23, 2003, the Examiner rejected claims 1-2, 4, 8, 10, 14, 16 and 19 under 35 U.S.C. §102(e) as being anticipated by J. Siwko (XP-001017264).

The Examiner states that *Siwko* discloses a communication system using a method for blocking call request comprising: receiving an initial call request block probability; determining an elapsed time from an effective time of said initial call request block probability; adjusting said initial call request block probability based on said elapsed time (see sections II-IV, *Siwko*).

Applicants partially recite in claim 1, "in a communication system, a method for blocking call request comprising: receiving an initial call request block probability; determining an elapsed time from an effective time of said initial call request block probability; adjusting said initial call request block probability based on said elapsed time.", in claim 8, "...a receiver configured for receiving an initial call request block probability; a processor configured for determining an elapsed time from an effective time of said initial call request block probability, and adjusting said initial call request block probability based on said elapsed time.", in claim 14, "...a mobile station configured for receiving an initial call request block probability from a base station, determining an elapsed time from an effective time of said initial call request block probability, and adjusting said initial call request block probability based on said elapsed time.", and in claim 19, "a mobile station comprising: a receiver configured for receiving an initial call request block probability; a processor configured for determining an elapsed time from an effective time of said initial call request block probability, and adjusting said initial call request block probability based on said elapsed time."

As such, Applicants claim a method, apparatus, system and mobile station (later referred to as a method and apparatus) for call admission where an initial call request block probability is received and after an elapsed time from receipt of the request block probability to the present time is determined, adjusting the request block probability value. Using the elapsed time, one or

more iterations can be made to adjust the initial call request block probability to the new probability value. A receiver, such as a mobile station, can then decide if the new request block probability is acceptable before making a call request.

*Siwko*, the cited reference, discloses a method for call dropping such as when there is a reduction in overall system capacity. *Siwko* discloses an admission control system to minimize call dropping where a call will be admitted at a time  $t$  if  $n(t^-) < \min [L(t), C_0]$ , where the number of active calls, just before  $t$ , is  $n(t^-)$ ,  $C_0$  is the maximum number of calls allowed at time  $t$  and  $L(t)$  is a boundary curve. The boundary curve is defined as a function of  $L(t) = \min (n/P_D(t/n) > \epsilon)$  where  $P_D(t/n)$  is a probability of dropping a call admitted at time  $t$  given  $n$  calls active at  $t$  (just prior to  $t$ ) and  $\epsilon$  is a dropping probability threshold (*Siwko*, Sections II-IV). Therefore, *Siwko* discloses a method of call admission using a call dropping probability factor where the call dropping probability factor is based on a number of present users relative the a current maximum available capacity. As such, *Siwko* discloses the use of the call dropping probability factor in a calculation to determine call admission but *Siwko* does not disclose a method of adjusting a call request block probability.

Applicants claim a method and apparatus to adjust an initial call request block probability based on an elapsed time from an effective time of the initial call request block probability. Applicants' call request block probability can be determined from a percentage of calls to be blocked that may be associated with certain types of calls, such as calls for data communication, however, the call type being so limited can change with time. Applicants' claims for adjusting the call request block probability factor are distinct from *Siwko*'s disclosure of a use of a call dropping probability factor. Further, *Siwko* does not disclose Applicants' claims for adjusting the initial call request block probability based on an elapsed time.

As such, it is Applicants' position that *Siwko* does not teach each and every element of Applicants' invention as recited above in independent claims 1, 8, 14, and 19. Applicants further assert that dependent claims 2, 4, 10 and 16 should be allowable for at least the same reasons as their independent claims are patentable.

103 Rejections

The Examiner has rejected claims 3, 6-7, 9, 12-13, 15, 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Siwko* in view of Redden et al. (EP 0 658 014 A1).

Applicants have argued above that Applicants' independent claims for adjusting a call request block probability factor based on an elapsed time are distinct from *Siwko*'s use of a call dropping probability factor. As such, Applicants' dependent claims 3, 6-7, 9, 12-13, 15, 18 and 20 should be patentable for at least the same reasons as their independent claims 1, 8, 14 and 19 are allowable. Therefore, even if the *Siwko/Redden* references cited are properly combined, the references fail to teach or suggest all of the elements of Applicants' claimed invention.

The Examiner has rejected claims 5, 11 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Siwko* in view of Weishaupt.

Applicants have argued above that Applicants' independent claims for adjusting a call request block probability factor based on an elapsed time are distinct from *Siwko*'s use of a call dropping probability factor. As such, Applicants' dependent claims 5, 11 and 17 should be patentable for at least the same reasons as their independent claims 1, 8 and 14 are allowable. Therefore, even if the *Siwko/Weishaupt* references cited are properly combined, the references fail to teach or suggest all of the elements of Applicants' claimed invention.


## REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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